

Memorandum

: All Commissioners

Date : July 18, 1972

Executive Director

From : **Commission on Peace Officer Standards and Training**

Subject: COMMISSION MEETING

10 a.m., Thursday, July 27, 1972

Host of Sacramento, Camellia Room "A"

Sacramento Metropolitan Airport

Sacramento, California 95837

Phone: (916) 922-8071

AGENDA

1. Call to Order
2. Introduction of Guests
3. Approval of Minutes
4. Proposed Regulation Changes
5. Staff Augmentation for 832 Penal Code
6. Adjournment



GENE S. MUEHLEISEN

State of California
Department of Justice

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

MINUTES

July 27, 1972
Sacramento, California

The meeting was called to order at 10 a.m. by Chairman Fabbri. A quorum was present.

Present:

JOHN FABBRI	- Chairman
JACK G. COLLINS	- Vice-Chairman
LYELL C. CASH	- Commissioner
BEN CLARK	- Commissioner
DAN KELSAY	- Commissioner
ROBERT S. SEARES	- Commissioner
ERIC E. YOUNGER	- Representative of the Attorney General

Also Present:

GENE S. MUEHLEISEN	- Executive Director
CARL R. BALL	- Assistant Director, Education & Training Division
F.S. BROWN	- Administrative Services Officer
JEWELL L. ROSS	- Acting Assistant to the Executive Director
G. E. TOWNSEND	- Assistant Director, Administration Division
IMOGENE KAUFFMAN	- Recording Secretary

Absent:

CHARLES T. FLYNN	- Commissioner
FRED J. MOREY	- Commissioner
E. R. STRATHMAN	- Commissioner

Staff Training:

Luella Luke	- Librarian, Technical Services Division
Gloria Lovelady	- Secretary, Minority Recruitment Project
Debbie Kwoka	- Mail Clerk, Administration Division
Myra Rye	- Secretary, Police Standards Division
Leah Cherry	- Secretary, Police Standards Division
Julie Langford	- Reception and Attendance, Administration Division

Visitors:

Mrs. Eric Younger

INTRODUCTION OF GUESTS

The Executive Director introduced Assistant Attorney General Eric Younger and Mrs. Younger. Mr. Younger has been appointed to the Commission as the representative of the Attorney General. Support staff personnel, who were attending the meeting for orientation training, were also introduced.

APPROVAL OF MINUTES

MOTION by Commissioner Kelsay, seconded by Commissioner Clark, motion carried that the minutes of the May 24 commission meeting, held following hearings on May 17 and May 24, and the minutes of the regular commission meeting June 15-16, 1972, be approved.

PROPOSED REGULATION CHANGES

At the June 15-16, 1972 commission meeting, the Commission authorized the necessary changes in the Regulations to be made on an emergency basis in accordance with Section 11421 (b) of the Administrative Procedure Act. The proposed regulation changes, effective July 1, 1972, necessary to accommodate the emergency action were presented for approval for future hearings. Following discussion of each individual section, the following action was taken:

MOTION by Commissioner Clark, seconded by Commissioner Cash, motion carried, that the proposed regulations be approved, as revised, to be placed on the September 14, 1972 Hearing Agenda. Attachment "A".

As a result of the discussion of the addition of paragraph (a) (3) of Section 1005, Chairman Fabbri directed staff to make a study to evaluate how many trainees are discharged shortly after basic training graduation as a result of something derogatory being found in the background investigation. Commissioner Kelsay suggested the requirement state that the trainee could be discharged immediately upon finding something unsatisfactory in the background, and that reimbursement be made for whatever training had been received rather than his being allowed to graduate in order to receive reimbursement.

STAFF AUGMENTATION FOR 832 PENAL CODE

Mr. Ball presented a request for the staff augmentation necessary to meet the demands placed on P.O.S.T. by the passage of A.B. 2886 which added Section 832 to the Penal Code. The request "Staff Augmentation Necessary for Division of Education and Training" and supportive documents are set forth as Attachment "B".

Commissioners Kelsay and Collins voiced disapproval of Peace Officer Training Fund monies being spent on this type of legislated responsibility and felt the Commission's feelings of questioning the legality of this type of legislated burden should be made known.

The Executive Director stated that the Commission's purpose was to serve law enforcement. The only way that can be accomplished adequately is to accommodate all the requests for assistance that will be forthcoming from this bill.

Chairman Fabbri stated another question is whether or not the Commission can legally provide services beyond the level of local law enforcement agencies since Section 13505 P.C. states, in substance, "that the administrative expenses shall be minimized in order that a maximum of funds will be expended for the purpose of providing training and other services to local law enforcement agencies."

Mr. Younger stated that he was of the opinion that 832 P.C. changed the statutes. When a new law is presented, if it is inconsistent with what was law before, the new law supersedes. 832 P.C. broadens the Commission's responsibilities and is the law. He was also of the opinion that if 832 P.C. is read together with the provisions of Article 3 beginning with Section 13520, the Commission has an implied obligation to see to it that these courses do meet P.O.S.T. standards, and if the Commission were to ask for a legal opinion, he felt the response would so state.

The Executive Director read 832 P.C. which states in part "...these courses shall meet the minimum standards prescribed by the Commission on P.O.S.T.", and stated that this was entirely different language than was used in previous legislation that had stated "...courses approved by the Commission on P.O.S.T."

Commissioner Seares stated he was of the opinion that 832 P.C. implementation was the charge of the Commission and it will have to meet the P.O.S.T. minimum standards. This can only be determined by a good quality control program of inspection.

The following action was taken:

MOTION by Commissioner Seares, seconded by Commissioner Kelsay, motion carried (Collins - nay) that the requested staff augmentation to the Division of Education and Training be approved: one senior consultant, 5 consultants and 4 stenographers.

OLD/NEW BUSINESS

A brief report was made on two bills which concerned the Commission.

S.B. 1348

The Executive Director reported that the issue presented by S.B. 1348 which requested that the CHP Commissioner be appointed to the Commission on P.O.S.T. had been resolved as the bill had been withdrawn by the author. The newly appointed C.H.P. Commissioner, Walter Pudinski, had since stated he was of the opinion that the CHP was adequately represented by Aubrey Majors of the CHP, who is serving on the P.O.S.T. Advisory Committee.

A.B. 2372

Mr. Townsend reported on the status of A.B. 2372 (reimbursement for marshals' training). As of this date the bill had not moved out of the Senate Judiciary Committee. This Committee had adjourned, and it was not likely that the bill would be heard until November of this year. The author had not appeared to present the bill as of July 27th.

The Commission and Civil Suits

In response to a request by Commissioner Flynn, Mr. Brown had researched the question of procedure in the event of civil suits involving the Commission. A memorandum covering this information was prepared and had been mailed to each Commissioner.

The Executive Director reported that John Morrison of the Sacramento office of the Legal Services Division, who had authored the opinion regarding civil liability, had offered to appear at a future meeting if there were further questions. The Commission did not feel there was such a need at this time.

P.O.S.T. Reorganization

The Executive Director reported that the requested salary increase for the Executive Director had presented some disappointments. The Attorney General's letter requesting a reclassification had been sent to the Governor.

Work on the reclassification proposal will continue in order that the compaction, which is causing problems in the P.O.S.T. reorganization, will be relieved. He further reported that the State Personnel Board study of the P.O.S.T. reorganization was still pending. Further justification of four assistant director positions has been requested by the State Personnel Board as well as justification for the Division of Technical Services. A complete report on the Personnel Board's evaluation will be made at the September commission meeting.

Santa Clara County Deputy Sheriff/Matron -- P.O.S.T. Certification

The Executive Director reported that a letter had been received from Mr. Burdick of the legal firm of Carroll, Burdick & McDonough, who is the legal representative for the Santa Clara County matrons. It was felt the group did not understand the decision of the Commission regarding the matron/deputy and the certification program. Also, that the Commission's decision in this matter did not require the legal procedure of a public hearing nor changes in the P.O.S.T. Regulations. Mr. Townsend has made an appointment with Mr. Burdick to discuss further the problems of specialized certification.

San Francisco County Sheriff's Department

The Executive Director stated that there is some question with the San Francisco Sheriff's Office as to whether they should all go through the regular basic course since there is a 200-hour program outline designed specifically for their category -- correctional-type officers who are also process servers. They are very interested in regular certification as a part of their pay plan. Further meetings with the department will be required and scheduled.

DATE AND PLACE OF NEXT MEETING

As approved at the June 15-16, 1972, commission meeting, a hearing and commission meeting will be held in September as follows:

Hearing:

10 a.m., September 14
Kona Kai Club - Sportscasters Lounge
1551 Shelter Island Drive
San Diego, California

Meeting:

Will follow hearing September 14
Continued 9 a.m., September 15
Sportscasters Lounge
Kona Kai Club

ADJOURNMENT

There being no further business, the meeting was adjourned at 2 p. m.

Respectfully submitted,

Gene S. Muehleisen
GENE S. MUEHLEISEN

1
Proposed Regulation changes necessary to accommodate action taken at the June 15, 1972, Commission Meeting to amend Specification 11.

1001. DEFINITIONS

Add

(q) "Non-Sworn Personnel Performing Police Tasks"

Non-sworn personnel performing police tasks are those full-time, non-peace officer members of participating jurisdictions for whom reimbursement may be claimed, based upon actual job assignment, as determined and approved by the Commission. Participation requirements are defined in Section 1014 of the Regulations.

1005. MINIMUM STANDARDS FOR TRAINING

(a) Basic Course

Add

- (3) Reimbursement may be paid to jurisdictions which terminate a trainee or allow a trainee to resign prior to completion of the Basic Course provided the requirements of Section 1002 (a)(1) through (7) have been completed prior to the date the course commences.

(b) Supervisory Course

Amend

- (4) When a department requires an officer to complete the prescribed Supervisory Course prior to his promotion, appointment, or transfer to the first level supervisory position, that jurisdiction is not eligible for reimbursement until the officer is in fact promoted, appointed, or transferred to such a position within that department unless prior approval is obtained from the Commission.

(c) Middle Management Course

Amend

- (3) When a department requires an officer to complete the Middle Management Course prior to his promotion, appointment or transfer to a middle management position, that jurisdiction shall not become eligible for reimbursement until the officer is in fact promoted, appointed, or transferred to such a position within that department unless prior approval is obtained from the Commission.

Proposed Regulation Changes - continued

Add

1014. TRAINING FOR NON-SWORN PERSONNEL

- (a) Reimbursement shall be provided for the training of non-sworn personnel performing police tasks as determined by the Commission. Non-sworn personnel are defined in Section 1001 (q).

- (b) Positions Eligible

Job descriptions shall determine those positions eligible. Examples are:

1. Complaint-Dispatcher
2. Criminalist
3. Community Service Officer
4. Fingerprint Technician
5. Jailer and Matron
6. Traffic Direction and Control Officer
7. Parking Control Officer
8. Polygraph Examiner
9. Administrative Assistant

- (c) Request for Approval

In every case it is necessary for the employing agency to obtain prior approval of the Commission on an individual basis. A request for approval must include:

1. The trainee's name and title.
2. Job description.
3. Course title, location and dates.

Request for approval must reach the Commission 30 days prior to the starting date of the course.

- (d) Reimbursement

Reimbursement for non-sworn personnel will be computed in the same manner as sworn personnel according to the reimbursement schedule for each course.

PROPOSED
SPECIFICATION 11
July 1, 1972

Subject: REIMBURSEMENT SCHEDULE

This specification supplements Sections 1005 and 1015 of the Regulations.

A. BASIC, SUPERVISORY, and ADVANCED OFFICER COURSES

Until July 1, 1973, reimbursement shall be granted for cost of 100% of salary, lodging and meals for the following courses:

Basic Course
Supervisory Course
Advanced Officer Course
Specified Technical and Special Courses as listed
in the Certified Course Catalog as Plan A.

Add

1. No Change.

2. Lodging and Meals:

Reimbursement for lodging and meals shall be 100% of the costs of said lodging and meals incurred by a trainee which are necessitated by training requiring that he be away from his residence overnight and are subject to the following restrictions:

- a. Where lodging and meals are provided at the school, the allowed costs shall be based upon 100% of the charge of lodging and meals made by the school, not to exceed \$24 per day

Amend

Proposed
Specification 11

b. No Change

3. No Change

a. No Change

b. No Change

Amend

c. Advanced Officer Course: Minimum hours required for certification = 20; maximum hours for reimbursement in each fiscal year = 40 hours per officer regardless of rank, but not to exceed 25% of the sworn personnel in agencies employing four or more sworn personnel on July 1 of the preceding fiscal year. In cases where the course taken averages less than 40 hours per officer, a proportionate increase in the percentage of personnel may be added to the eligible total, e.g., 20 hours per officer for 50% of total personnel. Reimbursed in 2-hour increments in excess of 20.

B. MIDDLE MANAGEMENT AND EXECUTIVE DEVELOPMENT COURSES

Amend

Reimbursements for the Middle Management and Executive Development Courses shall be granted for travel, per diem, and tuition, and salary. Only department heads and assistant department heads, as defined in Sections 1001 (c) and (d) of the Regulations, are eligible for the Executive Development Courses, except as specified in Section 1005 (e).

Proposed
Specification 11

Reimbursements

1. Travel Allowance

No Change

2. Per Diem Subsistence Allowance

For attendance at courses necessitating overnight stay:

a. A maximum per diem subsistence allowance, calculated at the rate of \$1 per hour, or fraction thereof, up to \$24 is authorized for the full course length.

Delete

b. ~~When traveling from headquarters to course site, the per diem subsistence allowance for the period of travel shall not exceed 12-hours each way.~~

Amend

c. -
b. Where tuition and fees charged by the educational institution for the course include lodging and meals at the course site, additional per diem expenses shall not be allowed. ~~only for those incurred during the period of travel not to exceed \$12 each way.~~

Proposed
Specification 11

Reimbursements

Amend

3. Daily Travel and Subsistence Expenses: Commuter Allowance

Reimbursement for trainees who commute daily from their homes to the course site shall be limited to actual travel and subsistence expenses at the rate of \$1 per hour up to but not exceeding \$12 per day.

For trainees living at home and commuting daily to the course site, actual expense will be allowed not to exceed \$6 per day. Mileage expenses may be claimed.

4. No Change

Add

5. Salary:

Reimbursement for salary shall be from 100 hours to a maximum of 120 hours in 2-hour increments in excess of 100 hours.

C. SEMINARS AND TECHNICAL AND SPECIAL COURSES

No Change

D. PRIORITY FOR REIMBURSEMENT

No Change

Proposed
Specification 11

Reimbursements

E. REIMBURSEMENT PLANS

PLAN A

No Change

PLAN B

No Change

Proposed
Specification 11

Reimbursements

Plan B (continued)

Travel Cost Limitations

Delete

In-transit-allowance at-\$1 per hour for the actual time in transit will-be allowed, but not to-exceed-\$12 each way regardless of-method-of travel-used.

Only one round trip from headquarters to and from course site is allowed unless course is approved as a split session with more than four days separating sessions. In this case a maximum of two round trips from headquarters to the training site is allowed.

A maximum of \$5 may be claimed for car rental during training.

Amend

Commuter Allowance

For ~~students~~ trainees living at home and commuting daily to the course site, an actual expense allowance will be allowed ~~of \$1-per-hour for the total course hours and time in transit not to exceed \$12-per day-is allowed~~ not to exceed \$6 per day. Mileage ~~transportation or-~~ expenses may be claimed.

PLAN C

No Change

Amend

PLAN D

Salary Allowance

100% of salary will be allowed at the rate earned on the starting day up to the authorized length of the following courses only:

Basic	=	200 to 400 hours
Advanced Officer	=	20 to 40 hours
Supervisory	=	80 to 100 hours
<u>Middle Management Course</u>	=	<u>100 to 120 hours</u>
<u>Executive Development Course</u>	=	<u>100 to 120 hours</u>
<u>Management and Executive Seminars</u>	=	<u>18 to 40 hours</u>

Technical and Special Courses vary in length and are announced separately.

Plan D (continued)

No Change

Add

PLAN E

Applies only to Management and Executive Courses and Seminars. It includes:

Tuition Allowance

100% of cost of tuition or course fee, if any, is allowed. If scholarship or other grant pays for tuition cost, no reimbursement will be paid.

Subsistence Allowance

100% of actual cost of lodging and meals charged by school, if any, is allowed, but in no case to exceed \$24 per diem.

Salary Allowance

100% of the trainee's salary at straight hourly working time for the total maximum hours for which reimbursement is allowed.

Travel Allowance

Actual cost of lowest air-fare transportation from trainee's headquarters to course site and return may be claimed. Auto travel over shortest distance from trainee's headquarters to course site and return is reimbursed at 10¢ per mile.

Travel Cost Limitations

Only one round trip from headquarters to and from

Proposed
Specification 11

Reimbursements

Plan E (continued)

course site is allowed unless course is approved as a split session with more than four days separating sessions. In this case a maximum of two round trips from headquarters to the training site is allowed.

A maximum of \$5 may be claimed for car rental during training.

Commuter Allowance

For trainees living at home and commuting daily to the course site, actual expense will be allowed not to exceed \$6 per day. Mileage expenses may be claimed.

Memorandum

To : Gene S. Muehleisen
Executive Director

Date : June 27, 1972

From : Commission on Peace Officer Standards and Training
Division of Education and Training

Subject: STAFF AUGMENTATION NECESSARY FOR DIVISION OF EDUCATION AND
TRAINING

The passage of Assembly Bill 2886, especially that portion which adds Section 832 to the Penal Code, has greatly increased the duties and responsibilities of this Division, and staff augmentation is essential to implement the provisions of that bill.

Additionally, Commission approval of reimbursement for certain categories of non-sworn police personnel greatly increases the duties and responsibilities of this Division in training needs, assessment, curriculum development, certification of courses and quality control -- all necessary to implement and expand the training program which will include non-sworn personnel.

The Commission's report entitled "Selection and Training of California Peace Officers", dated March 20, 1971, indicates that there are now more than 43,000 persons serving in 36 peace officer categories exclusive of city police officers, county sheriffs deputies, officers of the California Highway Patrol and National Guard members.

Of the 43,000 specialized officers, less than 3,000 are employed by agencies which in fact participate in the specialized law enforcement certification program; however, only 1,710 of those officers have in fact been awarded specialized certificates and are therefore not affected by A.B. 2886. (An additional 17,500 officers are employed by agencies eligible to participate in the specialized certification program but which do not now participate.)

Thus, more than 41,000 peace officers are directly affected by the training requirements of A.B. 2886.

June 27, 1972

Applying the average attrition rate of 10% per annum, approximately 4,100 new specialized peace officers are appointed each year who do not satisfy the PC 832 training requirement through participation in the specialized certification program. As the Commission has adopted a 40 hour course of instruction as the minimum standard pursuant to PC 832, approximately 20,500 man days of instruction will be required each year for new officers. If the average class size is 30 students, the course must be presented more than 136 times each year just to handle new peace officers. Additional courses will have to be presented more than 1,300 times (assuming an average class size of 30 students) during the next two years to train those specialized peace officers already employed.

It is anticipated that, in order to provide sufficient training to fully satisfy the need created by the passage of A.B. 2886, all of those training institutions now certified to present the regular basic course, and many other education and training institutions and agencies, must be certified rapidly to offer the required training. The PC 832 courses must be offered more frequently than regular basic academy courses and, in many instances, training will have to be conducted continually.

In addition to the massive training undertaking necessary to implement PC 832, the Commission approved on June 15 reimbursable training for nine categories of non-sworn personnel. Each category will require the development and implementation of new curriculum standards and courses ranging in length from 40 hours to 26 weeks. Staff estimates that approximately 750 such non-sworn personnel will be trained annually out of a total of 4,480 non-sworn personnel eligible for such training. Thus, this Division is now faced with the responsibility of developing curriculum standards and implementing courses for 750 personnel in the nine non-sworn categories approved by the Commission.

In order to plan, develop, implement and supervise such a massive state-wide training program of courses, it is requested that a new unit immediately be created within the Division of Education and Training, such unit to be known as the Specialized Law Enforcement Bureau. This Bureau will be given the responsibility of implementing training to satisfy PC 832, and developing and implementing courses for non-sworn peace officers as authorized by the Commission. The Bureau also will be charged with planning, developing, implementing and supervising training programs necessary to carry out the specialized law enforcement certification program (i.e., courses for investigators, marshals, constables and any other categories of agencies eligible to participate in the specialized certification program).

June 27, 1972

The absolute minimum personnel needed immediately to staff the Bureau are as follows:

Senior Consultant - 1

Consultant - 5

Stenographer - 4

P.O.S.T. does not now have personnel to assign to these functions. Therefore, a budget and staff augmentation to provide the personnel described above is urgently requested.



CARL R. BALL
Assistant Director

cc: Gerald E. Townsend

Professional Staff Augmentation
Division of Education and Training

Field Work	Man Days
Pre-certification administration, consultation and development	
100 courses @ 1 day per course	100
Course supervision and inspection	
100 courses @ 4 days per course	400
Administrative Work (correspondence, reports, phone, research)	
2 days office for each day in field	1,000
Staff Training	
15 days per man per year	<u>90</u> 1,590

1,590 man days = 6.48 man years

Need: 1 Senior Consultant
5 Consultants

Support Staff Augmentation
Division of Education and Training

Accepted support staff level is 1 support staff member for every 2 professional line staff.

Augmentation of DIVET professional staff will bring that staff level to 14, including 1 Assistant Director and 13 line personnel.

Division currently has 4 support staff, including one assigned as full-time secretary to the Assistant Director, and one assigned to Santa Ana office.

Augmentation will require 4 additional support staff to maintain 1:2 ratio for line personnel in Division's Sacramento headquarters.

Need: 4 Stenographer II